



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Larry Carr, Mayor Pro Tempore
Hedy L. Chang, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, JUNE 5, 2002

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

***A Special Meeting Is Called at 6:00 P.M. for the Purpose of
Conducting a Workshop.***

Dennis Kennedy, Chairman/Mayor

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(Deputy City Clerk Malone)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk Malone)

City Council Action

WORKSHOP ON THE 2002-2003 WORK PLAN

Action: Discussion of 2002-2003 Work Plan.

6:30 P.M.

City Council Action and Redevelopment Agency Action

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code 54957

Public Employee Performance Evaluation: City Manager

Attendees: City Council, City Manager

4.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code 54957

Public Employee Performance Evaluation: City Attorney

Attendees: City Council, City Attorney

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATION

Flag Day, June 14th

Boy Scouts of America

Teri Larice, Leader and Scouts

RECOGNITION

Outgoing Planning Commissioners

Barbara Sullivan and Pat McMahon

PROCLAMATION

Media Democracy Week

Jack Powers, MHAT

INTRODUCTIONS

Karl Bjarke

Deputy Director Public Works

CITY COUNCIL REPORT

Council Member Carr

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE DEPUTY CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 through #10, Items #11 through #12 and Items #13 through #14 may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested

nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Page
Time Estimate	
Consent Calendar: 1 - 10 Minutes	
1) <u>JOINT POWERS AGREEMENT (JPA) BETWEEN THE COUNTY OF SANTA CLARA AND THE CITY OF MORGAN HILL FOR CONTINUANCE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM</u>	1
Recommended Action(s): Adopt a Resolution Authorizing the City Manager to do Everything Necessary to Execute and Implement a Joint Powers Agreement with the County of Santa Clara for the City's Continuing Participation in the County's CDBG Program.	
2) <u>REJECTION OF BIDS FOR OAK CREEK PARK BASKETBALL AND TENNIS COURT RESURFACING</u>	17
Recommended Action(s): Reject the Bids Received on May 16, 2002, for the Oak Creek Park Basketball and Tennis Court Resurfacing Project and Authorize Staff to Rebid the Project.	
3) <u>FINAL MAP ACCEPTANCE FOR MORGAN LANE PHASE I (TRACT 9408)</u>	19
Recommended Action(s):	
1) Approve the Final Map, Subdivision Agreement and Improvement Plans,	
2) Authorize the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City;	
and	
3) Authorize the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	
4) <u>FINAL MAP ACCEPTANCE FOR MONTE VISTA (TRACT 9384)</u>	31
Recommended Action(s):	
1) Approve the Final Map, Subdivision Agreement, and Improvement Plans,	
2) Authorize the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City;	
and	
3) Authorize the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	
5) <u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) SECOND YEAR PHASING REQUESTS</u>	43
Recommended Action(s): Adopt Resolution Approving Second Year Phasing into Fiscal Year 2004-2005 for Projects in the 2001 Residential Development Control System Competition.	
6) <u>RESOLUTION DECLARING BRUSH TO BE A NUISANCE</u>	49
Recommended Action(s): Adopt Resolution Declaring Brush to be a Nuisance and Setting June 19, 2002 as the Date for the Public Hearing Regarding Brush Abatement.	
7) <u>APPROVAL OF RESOLUTION PROVIDING COMPENSATION FOR CITY OF MORGAN HILL MANAGEMENT AND CONFIDENTIAL EMPLOYEES, AND APPROVAL OF COMPENSATION FOR UNREPRESENTED EMPLOYEES</u>	57
Recommended Action(s):	
1. Adopt Management Resolution; and	
2. Approve Proposed Compensation Changes for Unrepresented Employees as Outlined in Attachment B.	

8)	<u>AGREEMENT TO OPEN MEDICAL OFFICES BUILDING</u>	67
	Recommended Action(s): Approve Agreement with Daughters of Charity Health Systems Providing for Cooperative Efforts to Reopen the Medical Offices at the Former St. Louise Hospital Campus in Morgan Hill.	
9)	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF MAY 15, 2002</u>	71
10)	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF MAY 22, 2002</u>	75

Redevelopment Agency Action

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
11)	<u>PREPARATION OF A COMPREHENSIVE HOUSING STRATEGY</u>	77
	Recommended Action(s): Authorize the Executive Director to Execute an Agreement Notto Exceed \$73,000 with Seifel Consulting to Prepare a Comprehensive Housing Strategy, Subject to Agency Counsel Review.	
12)	<u>ACQUISITION OF PROPERTY AT 301 DIANA AVENUE</u>	89
	Recommended Action(s): Authorize the Executive Director to Do Everything Necessary and Appropriate to Execute and Implement, Including Making Minor Revisions to, the Purchase and Sales Agreement and All Related Documents with KBB, LLC for the Purchase of its Property Located at 301 Diana Avenue (Northwest Corner of Diana Avenue and Butterfield Boulevard).	

City Council and Redevelopment Agency Action

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
13)	<u>APPROVAL OF REGULAR AND SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT MEETING MINUTES FOR MAY 15, 2002</u>	129
14)	<u>APPROVE JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF MAY 22, 2002</u>	159

City Council Action

PUBLIC HEARINGS:

	Time Estimate	Page
15)	15 Minutes	
	<u>ZONING AMENDMENT AND DEVELOPMENT AGREEMENT APPLICATIONS, ZA-02-04 AND DA-02-01: CHURCH - SOUTH COUNTY HOUSING</u>	173
	Public Hearing Opened.	
	Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
	Council Discussion.	
	Action-	<u>Motion to Waive</u> the Reading in Full of the Zoning Amendment Ordinance.
		<u>Motion to Introduce</u> the Zoning Amendment Ordinance by Title Only. (Roll Call Vote)

Action- Motion to Waive the Reading in Full of the Development Agreement Ordinance.
Motion to Introduce the Development Agreement Ordinance by Title Only. (Roll Call Vote)

OTHER BUSINESS:

	Time Estimate		Page
16)	10 Minutes	<u>NEW CITY WEBSITE</u> <u>Recommended Action(s):</u> Accept Report on New City of Morgan Hill Website.	219
17)	30 Minutes	<u>DISCUSSION AND DIRECTION REGARDING MAYOR AND CITY COUNCIL OFFICE SPACE PLANNING</u> <u>Recommended Action(s):</u> 1. Receive Presentation on Three Office Space Plan Scheme Alternatives from Noll and Tam; and 2. Council Discussion and Direction .	221

City Council Action

SECOND READING OF ORDINANCE: Full Reading Waived By Majority Vote.

(Government Code Section 36934)

Action -- **Adopt** Ordinance by roll call vote.

18)	1 minute	<u>ADOPT ORDINANCE NO. 1560 NEW SERIES</u> An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to Ordinance No. 1523, New Series, to Amend the Development Agreement to Incorporate a One Year Exception to Loss of Building Allocation for Application MP 00-10: Hale -Delco (APNs 764-32-012 & 013)	223
19)	1 minute	<u>ADOPT ORDINANCE NO. 1561 NEW SERIES</u> An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to Ordinance No. 1523, New Series, to Amend the Development Agreement to Incorporate a One Year Exception to Loss of Building Allocation and a Modification to Allow Flexibility in Project Commitment for Application MP 99-24: Llagas-Delco (APN 764-32-005)	229
20)	1 minute	<u>ADOPT ORDINANCE NO. 1562 NEW SERIES</u> An Ordinance of the City Council of the City of Morgan Hill Authorizing an Amendment to the Contract Between the City Council of the City of Morgan Hill and the Board of Administration of the Public Employees Retirement System to Provide 3% at 50 Benefit for Local Police.	235

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT